

IN THE UNITED STATE DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

KIMBERLY C. CUTONE, et al.,	]	
	]	
Plaintiffs,	]	
	]	
v.	]	Civil Action No.: 1:04-cv-12725-JLT
	]	
ELI LILLY AND COMPANY, et al.,	]	
	]	
Defendants.	]	

**STIPULATION OF DISMISSAL WITHOUT PREJUDICE**

TO: The Clerk of the Court

The Clerk will dismiss the claims of minor plaintiff, ADRIANA BELLA CUTONE, only and without prejudice as to remaining defendant Eli Lilly and Company.

Respectfully submitted,

TODD & WELD LLP

FOLEY & HOAG LLP

/s/ Erica Tennyson

JULIET A. DAVISON, BBO#562289  
ERICA TENNYSON, BBO#660707  
28 State Street  
Boston, MA 02109  
617-720-2626  
Attorneys for Plaintiff  
[etennyson@toddweld.com](mailto:etennyson@toddweld.com)

/s/ Brian Henninger

JAMES J. DILLON, BBO#124660  
BRIAN L. HENNINGER, BBO#657926  
155 Seaport Boulevard  
Boston, MA 02210  
617-832-1000  
Attorneys for Defendant  
[bhenniger@foleyhoag.com](mailto:bhenniger@foleyhoag.com)

Dated: February 3, 2006

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2005.

JOSEPH L. TAURO

United States District Judge

**CERTIFICATE OF SERVICE**

I, Erica Tennyson, hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non registered participants on February 3, 2006.

/s/ Erica Tennyson